

Commissioner for Patents  
Reply to Office Action of May 18, 2007  
Page 6

Serial No. 09/892,615

### REMARKS/ARGUMENTS

Claims 1 through 5 and 7 through 16 remain pending in the application. Claim 6 has been cancelled.

#### **Claim Rejections Under 35 USC § 103**

The Examiner has applied the Kalina reference (U.S. Patent No: 5,970,480) in view of Abecassis (U.S. Publication No: 2001/0041053).

The Examiner's position is that the Kalina reference provides for substantially all of the features of previously presented claim 1, but does not teach the purchase of a good or service by a user with the user using some of the type of credit for payment for purchase of the good or service entirely or in combination with cash. For this reason, the Abecassis reference is incorporated into the Examiner's position. It is alleged that Abecassis teaches the purchase of a good or service by the user with the user using its credit for payment for purchase of the good or service entirely or in combination with cash. It is the contention of the Examiner that by this combination it is therefore obvious to modify Kalina with Abecassis to arrive at previously presented claim 1.

Essentially for the remaining dependent claims up to claim 13, the Examiner takes the position that the Kalina singly renders obvious all of the previously claimed features.

In respect to claim 13, a similar combination, i.e. the combination of Kalina and Abecassis has been applied to render the claim obvious. The remaining dependent claims are alleged to be obvious over the teachings of Kalina singly.

Applicant has now amended the independent claims in this application, namely claims 1 and 13 and would ask the Examiner to favourably review said claims and consider the following.

It is agreed that the Abecassis and Kalina references are relevant to the instant application, however, in terms of the Examiner's position regarding claim 6, Applicant respectfully disagrees. Claim 6 was directed to the step of manipulation of points attributed to a customer for purchase by the merchant, i.e. the overall method facilitated manipulation by the merchant in this manner. Applicant has elaborated on this point and now presented limitations in claims 1 and 13 where the method provides for access of the central register by the merchant for retrieval and manipulation in real time of stored information related to customer statistics and performance information related to merchant offerings by the merchant. This is an important feature of the overall methodology and allows the merchant

Commissioner for Patents  
Reply to Office Action of May 18, 2007  
Page 7

Serial No. 09/892,615

to assess the effectiveness of its point allotment to a customer and further can allow the merchant to instantly react to, for example, changes in the marketplace which would involve perhaps the allocation of additional points or some other credit.

The Examiner has taken the position that Kalina globally teaches this feature. Applicant disagrees. In the passage noted in the Kalina reference, namely column 4, lines 27 through 31, it is simply indicated that the system allows for the awarding of credits which match the preassigned award credit per type of award vehicle used. This does not contemplate nor does it suggest that the amount of award can be varied independently of the investment vehicle. This passage simply states that a preassigned amount of points are allotted to the purchaser which points are purely based on the investment vehicle in this instance. There is no discussion whatsoever in the Kalina text regarding manipulation of the central register where the points and other information concerning the user are deposited. For the purpose of analysis, statistical studies or manipulation to change the number of points or credits awarded in a "promotional" situation. The points are fixed and the merchant cannot vary the points on his own volition. This has not been contemplated in the Kalina reference considering that the reference is primarily directed to accrual of credits or points with the view to be exchanged for a mutual fund or other investment vehicle.

This point of distinction is further buttressed with the fact that the Kalina reference is deficient in any teaching regarding the purchase of the good or service entirely or in combination with cash.

Turning to the applicability of the Abecassis reference, Applicant submits that the discussion of the technology in this reference is focussed upon a video system providing the user with selected options for purposes of content selection. Applicant agrees that there is a passage in the text that broadly refers to compensation. The passage the Examiner has applied is in column 3 at paragraph 36 where it is indicated:

"The compensation for the viewing of the advertisement may take the form of a credit that subsidizes the costs of other video services the viewer obtains. Subsidizing of a video's cost to the viewer by advertisements, is more closely matched to the viewer's interest in the subject of the commercial, and to the potential purchase by the viewer of that product or service."

Applicant submits that the Examiner has applied this feature from an unrelated reference to the technology claimed in this Application. The Abecassis methodology is

Commissioner for Patents  
Reply to Office Action of May 18, 2007  
Page 8

Serial No. 09/892,615

primarily focussed upon video and does not have anything to do with an electronic purchasing method and system involving a bank, customer cards and points redeemable not only for a service, but also a good in the case of the latter, even if the Abecassis teachings could be applied to the claims of the Application, Abecassis cannot provide for a user being able to purchase a good; the service provided by Abecassis is specifically related to a subsidy for video services, not goods. In this manner, the Abecassis reference when one looks at paragraph 36 in its entirety it is simply directed to existing systems which force the user to select from its services. Abecassis cannot provide the user with points or cash which can be used at any other member link, for example, for a good. Abecassis is limited to single grouping of products which, the user, must use its points to either reduce the price of the video services or purchase them entirely with the points.

To reiterate, in Applicant's methodology the Applicant is not limited to goods or services of a predefined type. In Applicant's methodology, the protocol obviates the limitations of Kalina and Abecassis in that as long as there are a group of participating members in the system, and those members provide completely different goods and services, the user can purchase any good or any service from any one of the members. Accordingly, this maybe video services, clothing, hardware, *inter alia*.

As a further point of distinction, the Abecassis reference is completely deficient in many teachings regarding access by the merchant to the central register for the purpose of retrieval and manipulation of stored information. In the Abecassis example, there is no need to have this feature since the reduction in cost will be simply based on the user's choice; in this manner, the amount of credit awarded to the user can be determined by the user's own activities. This is one of the major features of the Abecassis system. In contrast, with Applicant's arrangement the merchant has full access to information for purposes of data mining, statistical analysis and further for instantaneously reacting to market changes to permit dynamic allocation of rewards to the user. This feature is absent in Abecassis completely and Applicant submits that this deficiency taken in combination with the fact that Abecassis is related to a different art and completely lacks any discussion concerning customer card readers, merchant members, bank information or the ability for the user to purchase something other than video services is to render the teachings of Abecassis moot.

In view of the amendments made to claims 1 and 13, Applicant believes that the applicability of the references to the dependent claims is also now overcome.

Commissioner for Patents  
Reply to Office Action of May 18, 2007  
Page 9

Serial No. 09/892,615

Applicant respectfully requests the Examiner's reconsideration of claims 1 through 5 and 7 through 16.

Support for the amendments can be found on page 10 of the specification as filed.  
Reconsideration of this application is respectfully requested.

Respectfully submitted,



By:

Paul S. Sharpe  
Registration No. 39,493  
Attorney for Applicant  
Tel: (613) 780-8678

PSS/sw

Address: Ogilvy Renault LLP  
1981 McGill College Avenue  
Suite 1600  
Montreal, QC, H3A 2Y3  
CANADA